United Nations S/AC.51/2018/1

Security Council

Distr.: General
4 May 2018

Original: English

Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Mali

1. At its 70th meeting, on 12 March 2018, the Working Group on Children and Armed Conflict examined the second report of the Secretary-General on children and armed conflict in Mali (S/2018/136), covering the period from January 2014 to June 2017, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of Mali to the United Nations also addressed the Working Group.

2. The members of the Working Group welcomed the report of the Secretary-General, submitted in accordance with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), and took note of the analysis and recommendations contained therein.

3. The members of the Working Group welcomed the steps taken by the Government of Mali to strengthen the protection of children affected by armed conflict, in particular through the adoption of a national policy on child protection and promotion, and encouraged the Government to continue these efforts. The members of the Working Group also acknowledged progress in the United Nations dialogue with the Coordination des mouvements de l'Azawad (CMA). They welcomed the signing in March 2017 of an action plan by CMA, which is binding upon all members of CMA, to end and prevent the recruitment and use of children and sexual violence against children and called for its full and immediate implementation. The members of the Working Group strongly condemned all violations and abuses committed against children in armed conflict in Mali.

4. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), the Working Group agreed to the direct action as set out below.

Public statement by the Chair of the Working Group

5. The Working Group agreed to address a message, through a public statement issued by the Chair of the Working Group:

To the Government of Mali

(a) Commending the commitment and efforts of the Government of Mali for the protection of children affected by armed conflict, in particular through the

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adoption in July 2014 of a national policy on child protection and promotion and the strengthening of its national legal framework, and encouraging the Government to continue such efforts and to finalize the revision of the Child Protection Code, including the criminalization of the recruitment and use of children under the age of 18;

(b) Welcoming the Government-led study on mainstreaming child protection in the implementation of the Agreement on Peace and Reconciliation in Mali of 2015, including on prioritizing the protection of children in the national disarmament, demobilization and reintegration strategy;

(c) Affirming that the gradual restoration and extension of State authority across the territory of Mali would contribute significantly to the stability of the country, stressing the primary role of the Government in providing protection and relief to all children affected by armed conflict in Mali, and recognizing the importance of strengthening national capacities in that regard;

(d) Calling upon the Government to mainstream child protection and ensure that the specific needs of girls and boys affected by the armed conflict are fully taken into account at all stages of the disarmament, demobilization and reintegration process and in security sector reform programmes;

(e) Welcoming the implementation of the Protocol on the Release and Handover of Children Associated with Armed Forces and Groups, signed on 1 July 2013;

(f) Commending the release of 72 child detainees, encouraging the Government to work with the United Nations to review cases of children detained for association with armed groups, and stressing that children arrested during military operations should be treated primarily as victims;

(g) Calling upon the Government to guarantee due process for all children detained for association with armed groups, recalling that children should be treated primarily as victims and that in all actions concerning children the best interests of the child shall be a primary consideration, and calling upon the Government to comply with its obligations under the Convention on the Rights of the Child, in particular that the deprivation of liberty for children should be used only as a measure of last resort and for the shortest appropriate period;

(h) Encouraging the Government to focus on sustainable reintegration and rehabilitation opportunities for children affected by armed conflict, including raising awareness and working with communities to avoid the stigmatization of such children and facilitate their return, while taking into account the specific needs of girls and boys;

(i) Welcoming the efforts of the Government with regard to the training of the Malian defence and security forces on child protection, and inviting the Government to continue these efforts and to integrate a national mandatory child protection module into the military service curriculum for new recruits;

(j) Expressing deep concern over the lack of accountability for violations and abuses committed against children, and calling upon the Government to continue its efforts to address impunity for violations and abuses committed against children affected by armed conflict by strengthening the justice system, swiftly bringing perpetrators to justice and ensuring that all victims have access to justice and the medical and support services that they need;

(k) Expressing concern at the cases of rape and other forms of sexual violence by the Malian armed forces, and calling upon the Government to promptly investigate all such cases and hold perpetrators accountable;

(l) Urging the Government to redouble its efforts to prevent and respond to sexual violence against children, including by investigating and holding accountable perpetrators of such crimes, by removing obstacles to access to justice and by ensuring timely and appropriate care for child victims, including through facilitating the provision of health-care services for victims and improving its national coverage and quality in the most vulnerable areas;

(m) Commending the Government for its endorsement of the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict and calling for their swift implementation, and encouraging the Government to ensure that attacks on schools by armed groups in contravention of international humanitarian law are investigated and that those responsible are duly prosecuted;

(n) Welcoming the establishment of a Truth, Justice and Reconciliation Commission mandated, inter alia, to address the needs of victims, including children, subject to grave human rights violations against children between 1960 and 2012, and urging the Truth, Justice and Reconciliation Commission and the Commission of Inquiry established on 23 January 2018 to take into account the specific needs of girls and boys;

To all armed groups mentioned in the report of the Secretary-General, specifically those listed in the annex to the annual report of the Secretary-General on children and armed conflict, Ansar Eddine, the Mouvement pour l'unification et le jihad en Afrique de l'Ouest, the Mouvement national pour la libération de l'Azawad, as well as Al-Qaida in the Islamic Maghreb and the Platform coalition of armed groups, including the Groupe d'autodéfense des Touaregs Imghad et leurs alliés

(o) Strongly condemning all violations and abuses committed against children in Mali, and urging all armed groups to immediately end and prevent all violations of applicable international law involving the recruitment and use of children, killing and maiming, rape and other forms of sexual violence, attacks on schools and hospitals, abduction and denial of humanitarian access and to comply with their obligations under international law;

(p) Stressing that all perpetrators of such acts must be held accountable, and noting that, on 13 July 2012, the transitional authorities of Mali referred the situation in Mali since January 2012 to the International Criminal Court, to which Mali is a State party, and that some of the above-mentioned acts may amount to crimes under the Rome Statute of the International Criminal Court;

(q) Strongly urging all armed groups to immediately and without preconditions release all children associated with them and to end and prevent the further recruitment and use of children;

(r) Strongly urging all armed groups to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of their respective groups, and stressing the importance of accountability for those who commit sexual and gender-based violence;

(s) Expressing strong concern at the high number of children killed and maimed, including by explosive remnants of war, and urging all armed groups to take concrete measures to reduce their impact on children;

(t) Expressing strong concern at the increasing number of attacks against schools and related personnel, which has had a severe impact on access to education for tens of thousands of children, and calling upon all armed groups to comply with applicable international law and to respect the civilian character of schools and hospitals, including their personnel, and to end and prevent attacks or threats of

attacks against those institutions and their personnel, as well as the military use of schools in violation of applicable international law;

(u) Emphasizing the need for all parties to uphold and respect the humanitarian principles of humanity, neutrality, impartiality and independence in order to ensure the continued provision of humanitarian assistance, the safety and protection of civilians receiving assistance and the security of humanitarian personnel operating in Mali, and stressing the importance of humanitarian assistance being delivered on the basis of need;

(v) Expressing concern about the security challenges facing the United Nations country task force on monitoring and reporting in the north and centre of Mali, and in this regard urging armed groups to ensure United Nations personnel safe and unhindered access to territories under their control for monitoring and reporting purposes;

(w) Welcoming the signing of an action plan to end and prevent the recruitment and use of children and sexual violence against children by CMA, which is binding upon all members of CMA, including the Mouvement national pour la libération de l'Azawad, and the United Nations in March 2017, and calling for its full and immediate implementation;

(x) Welcoming the unilateral communiqué signed by the Platform in June 2016 on the prevention of conflict-related sexual violence, and encouraging the leadership of the Platform to continue the dialogue with the United Nations to take concrete measures to end the recruitment and use of children;

(y) Calling upon all armed groups to publicly express their commitment to ending and preventing all violations and abuses committed against children, and to expeditiously develop action plans, for those groups that have not yet done so, in line with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015) if they are listed in annex I to the report of the Secretary-General on children and armed conflict

6. The Working Group agreed to address a message, through a public statement by the Chair of the Working Group, to community and religious leaders:

(a) Emphasizing the important role of community and religious leaders in strengthening the protection of children affected by armed conflict;

(b) Urging them to publicly condemn and continue to advocate ending and preventing violations and abuses against children, in particular those involving the recruitment and use of children, rape and other forms of sexual violence against children, abduction and attacks and threats of attacks against schools and hospitals, and to engage with the Government, the United Nations and other relevant stakeholders to support the reintegration and rehabilitation of children affected by armed conflict in their communities, including by raising awareness to avoid the stigmatization of such children.

Recommendations to the Security Council

7. The Working Group agreed to recommend that the President of the Security Council transmit a letter addressed to the Government of Mali:

(a) Commending the commitment and efforts of the Government of Mali for the protection of children affected by armed conflict, in particular through the adoption in July 2014 of a national policy on child protection and promotion and the strengthening of its national legal framework, and encouraging the Government to continue such efforts and to finalize the revision of the Child Protection Code, including the criminalization of the recruitment and use of children under the age of 18;

(b) Welcoming the Government-led study on mainstreaming child protection in the implementation of the Agreement on Peace and Reconciliation in Mali of 2015, including on prioritizing the protection of children in the national disarmament, demobilization and reintegration strategy;

(c) Calling upon the Government to mainstream child protection and ensure that the specific needs of girls and boys affected by the armed conflict are fully taken into account at all stages of the disarmament, demobilization and reintegration process and in security sector reform programmes;

(d) Encouraging the Government to focus on sustainable reintegration and rehabilitation opportunities for children affected by armed conflict, including raising awareness and working with communities to avoid the stigmatization of such children and facilitate their return, while taking into account the specific needs of girls and boys;

(e) Stressing the primary role of the Government in providing protection and relief to all children affected by armed conflict in Mali, and recognizing the importance of strengthening national capacities in that regard;

(f) Calling upon the Government to revitalize the interministerial working group on grave violations;

(g) Calling upon the Government to operationalize the joint mechanism for the screening of the Malian defence and security forces to ensure that no children are within its ranks;

(h) Welcoming the efforts of the Government with regard to the training of the Malian defence and security forces on child protection, and inviting the Government to continue these efforts and to integrate a national mandatory child protection module into the military service curriculum for new recruits;

(i) Welcoming the implementation of the Protocol on the Release and Handover of Children Associated with Armed Forces and Groups, signed on 1 July 2013;

(j) Commending the release of 72 child detainees, encouraging the Government to work with the United Nations to review cases of children detained for association with armed groups, and stressing that children arrested during military operations should be treated primarily as victims;

(k) Calling upon the Government to guarantee due process for all children detained for association with armed groups, recalling that children should be treated primarily as victims and that in all actions concerning children the best interests of the child shall be a primary consideration, and calling upon the Government to comply with its obligations under the Convention on the Rights of the Child, in particular that the deprivation of liberty for children should be used only as a measure of last resort and for the shortest appropriate period;

(l) Expressing deep concern over the lack of accountability for violations and abuses committed against children, and calling upon the Government to continue its efforts to address impunity for violations and abuses committed against children affected by armed conflict by strengthening the justice system, swiftly bringing perpetrators to justice and ensuring that all victims have access to justice and the medical and support services that they need;

(m) Expressing concern at the cases of rape and other forms of sexual violence by the Malian armed forces, and calling upon the Government to promptly investigate all such cases and hold perpetrators accountable;

(n) Urging the Government to redouble its efforts to prevent and respond to sexual violence against children, including by investigating and holding accountable perpetrators of such crimes, by removing obstacles to access to justice and by ensuring timely and appropriate care for child victims, including through facilitating the provision of health-care services for victims and improving its national coverage and quality in the most vulnerable areas;

(o) Commending the Government for its endorsement of the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict and calling for their swift implementation, and encouraging the Government to ensure that attacks on schools by armed groups in contravention of international humanitarian law are investigated and that those responsible are duly prosecuted;

(p) Welcoming the establishment of a Truth, Justice and Reconciliation Commission mandated, inter alia, to address the needs of victims, including children, subject to grave human rights violations against children between 1960 and 2012, and urging the Truth, Justice and Reconciliation Commission and the Commission of Inquiry established on 23 January 2018 to take into account the specific needs of girls and boys.

8. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Secretary-General:

(a) Requesting the Secretary-General to continue to ensure the effectiveness of the monitoring and reporting mechanism on children and armed conflict in Mali and to maintain the child protection component of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), including through the deployment of child protection advisers throughout MINUSMA areas of operation, and noting that their key tasks include, among others, monitoring and reporting on violations and abuses committed against children, mainstreaming child protection within the Mission, training the Mission personnel and engaging in dialogue on action plans;

(b) Also requesting the Secretary-General to ensure that MINUSMA and the United Nations Children's Fund strengthen their efforts to further support, in line with their respective mandates, the Malian authorities in mainstreaming the specific needs of children affected by the armed conflict and the protection of their rights in all disarmament, demobilization and reintegration programmes and security sector reform, in establishing a joint mechanism for the review of cases of children detained on charges related to the armed conflict and association with armed groups, in conducting a screening and age assessment of the Malian defence and security forces and in establishing recruitment procedures and age assessment measures to prevent underage recruitment;

(c) Further requesting the Secretary-General to ensure that the United Nations country task force on monitoring and reporting continues its advocacy for the release and reintegration of children associated with armed groups and forces and children detained on charges related to association with armed groups and prioritizes its efforts to reach out to non-State armed groups, with a view to developing action plans to end the recruitment and use of children in violation of applicable international law, as well as rape and sexual violence, and to address other violations and abuses committed against children in Mali.

9. The Working Group agreed to recommend that the President of the Security Council transmit a letter by the Chair of the Working Group to the President of the Peace and Security Council of the African Union, the Chairperson of the African

Union Commission and the Governments of the States members of Group of Five for the Sahel (G-5 Sahel):

(a) Welcoming the commitments made by the African Union and the States members of G-5 Sahel to peace and security in Mali and the protection of children affected by armed conflict;

(b) Welcoming the cooperation between the States members of G-5 Sahel and the United Nations regarding child protection issues, including through the establishment of a compliance framework as set out in Security Council resolution 2391 (2017);

(c) Encouraging the States members of G-5 Sahel to issue a directive of the Commander of the G-5 Sahel Joint Force on the protection of children encountered during military operations, including their handover to civilian child protection authorities for appropriate assistance and protection, as well as to deploy a child protection adviser reporting to the Joint Force Commander and child protection focal points within the Joint Force to contribute to training, capacity-building and advocacy on violations and abuses committed against children.

10. The Working Group agreed to recommend the following to the Security Council:

(a) To ensure that the situation of children and armed conflict in Mali continues to be duly taken into consideration by the Council when reviewing the mandate of MINUSMA and its activities;

(b) To ensure the continuation of a child protection mandate for MINUSMA.

11. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Chair of the Security Council Committee established pursuant to resolution 2374 (2017) concerning Mali and the Chair of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities:

(a) Recalling paragraph 7 (b) of resolution 1882 (2009), by which the Security Council requested enhanced communication between the Working Group and relevant Security Council sanctions committees, including through the exchange of pertinent information on violations and abuses committed against children in armed conflict;

(b) Encouraging the continued sharing of relevant information by the Special Representative of the Secretary-General for Children and Armed Conflict with the Committee and the Working Group;

(c) Encouraging the Committee to continue to consider the designation for sanctions of individuals and entities, in accordance with the rules and guidelines of the Committee.

Direct action by the Working Group

12. The Working Group agreed to address letters from the Chair of the Working Group to the World Bank and other donors:

(a) Requesting the World Bank and donors to provide funding and assistance to support the Government of Mali and relevant humanitarian and development actors in providing release and reintegration programmes for children formerly associated with armed forces and groups and training of the Malian defence and security forces on the protection of children, in bolstering the education and health system, especially in northern and central Mali, in ensuring timely and appropriate care for child victims of rape and other forms of sexual violence, through facilitating the provision of services for victims, including addressing deficiencies in the criminal justice system

that undermine the access of victims to justice, and improving the geographical coverage and quality of care;

(b) Urging donors that support disarmament, demobilization and reintegration programmes and security sector reform to mainstream child protection and ensure that the specific needs of girls and boys affected by the armed conflict are fully taken into account at all stages of the disarmament, demobilization and reintegration process and in security sector reform programmes;

(c) Highlighting the importance of mine risk education programmes for children in order to prevent the killing and maiming of children and reduce the impact of mines, unexploded ordnance, cluster munition and explosive remnants of war on children;

(d) Appealing to donors working alongside the United Nations system to support the efforts of the Government in the promotion of birth and late-birth registration as a means to prevent underage recruitment;

(e) Reiterating that the Security Council called upon regional and international partners to support, through voluntary contributions, technical assistance and advice, efforts in the establishment and implementation of the compliance framework by the States members of G-5 Sahel and the G-5 Sahel Joint Force, and encouraged all relevant partners, including relevant United Nations entities, the European Union military mission to contribute to the training of the Malian Armed Forces, the European Union capacity-building mission in Mali and the French forces, within the framework of their respective mandates and existing resources, to support the implementation of the compliance framework and to ensure close coordination of their activities in that regard;

(f) Inviting the World Bank and other donors to keep the Working Group informed of their funding and assistance efforts as appropriate.